

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 348

97TH GENERAL ASSEMBLY

0476H.06P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 52.010, 54.040, 54.330, 78.090, 115.003, 115.005, 115.007, 115.135, 115.249, 115.259, 115.281, 115.299, 115.300, 115.383, 115.419, 115.423, 115.433, 115.436, 115.439, 115.449, 115.455, 115.456, 115.601, 115.607, 162.481, 162.492, 247.060, and 247.080, RSMo, and to enact in lieu thereof twenty-eight new sections relating to elections.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 52.010, 54.040, 54.330, 78.090, 115.003, 115.005, 115.007, 115.135, 115.249, 115.259, 115.281, 115.299, 115.300, 115.383, 115.419, 115.423, 115.433, 115.436, 115.439, 115.449, 115.455, 115.456, 115.601, 115.607, 162.481, 162.492, 247.060, and 247.080, RSMo, are repealed and twenty-eight new sections enacted in lieu thereof, to be known as sections 52.010, 54.040, 54.330, 78.090, 115.003, 115.005, 115.007, 115.135, 115.249, 115.259, 115.281, 115.299, 115.300, 115.383, 115.419, 115.423, 115.433, 115.436, 115.439, 115.449, 115.455, 115.456, 115.601, 115.607, 162.481, 162.492, 247.060, and 247.080, to read as follows:

52.010. 1. At the general election in 1906, and every four years thereafter, a collector, to be styled the collector of the revenue, shall be elected in each of the counties of this state, except counties under township organization, who shall hold his or her office for four years and until his successor is duly elected and qualified. The collector shall reside in the county from which such person is elected throughout his or her term in office.

2. Except in any county with a charter form of government, a candidate for the office of collector shall be at least twenty-one years of age and a resident of the state and the county in which he or she is a candidate for at least one year prior to the date of filing for such office. The

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

9 candidate shall be a registered voter and current in the payment of all state income taxes and
10 personal and real property taxes.

11 **3. The candidate shall present to the election authority a copy of a signed affidavit**
12 **from a surety company authorized to do business in this state, indicating that the candidate**
13 **meets the statutory bond requirements for the office for which the candidate is filing.**

54.040. 1. **Except in a county with a charter form of government,** a candidate for
2 county treasurer shall be at least twenty-one years of age and a resident of the state of Missouri
3 and the county in which he or she is a candidate for at least one year prior to the date of the
4 general election for such office. The candidate shall also be a registered voter and shall be
5 current in the payment of all personal and real estate taxes. Upon election to such office, the
6 person shall continue to reside in that county during his or her tenure in office. **Each candidate**
7 **for county treasurer shall also provide to the election authority a copy of a signed affidavit**
8 **from a surety company authorized to do business in this state indicating that the candidate**
9 **meets the bond requirements for the office of county treasurer under this chapter.**

10 2. No sheriff, marshal, clerk or collector, or the deputy of any such officer, shall be
11 eligible to the office of treasurer of any county.

54.330. 1. A candidate for county collector-treasurer shall be at least twenty-one years
2 of age and a resident of the county in which he or she is a candidate for at least one year prior to
3 the date of filing for the office. The candidate shall also be a registered voter and shall be current
4 in the payment of all state income taxes and personal and real property taxes. A
5 collector-treasurer shall reside in the county throughout his or her term in office and shall remain
6 in office until a successor is duly elected and qualified. **Each candidate for county collector-**
7 **treasurer shall also provide to the election authority a copy of a signed affidavit from a**
8 **surety company authorized to do business in this state indicating that the candidate meets**
9 **the bond requirements for the office of county collector-treasurer under this chapter.**

10 2. County collector-treasurers shall be required to give bonds as other county collectors
11 under the general revenue law, and shall have the sole authority to appoint deputies as provided
12 to other county collectors under section 52.300.

13 3. Before entering upon the duties for which they are employed, deputies and assistants
14 employed in the office of any collector-treasurer shall give bond and security to the satisfaction
15 of the collector-treasurer. The bond for each individual deputy or assistant shall not exceed
16 one-half of the amount of the maximum bond required for any collector-treasurer. The official
17 bond required pursuant to this section shall be a surety bond with a surety company authorized
18 to do business in this state. The premium of the bond shall be paid by the county or city being
19 protected.

20 4. In the event of a vacancy caused by death, resignation, or otherwise, in the office of
21 collector-treasurer, the county clerk shall follow the procedures in section 52.180 that apply
22 when there is a vacancy in the office of collector in other counties.

78.090. **1.** Candidates to be voted for at all general municipal elections at which a mayor
2 and councilmen are to be elected under the provisions of sections 78.010 to [78.420] **78.400** shall
3 be nominated by a primary election, **except as provided in this section**, and no other names
4 shall be placed upon the general ballot except those selected in the manner herein prescribed.
5 The primary election for such nomination shall be held on the first Tuesday after the first
6 Monday in February preceding the municipal election.

7 **2. (1) In lieu of conducting a primary election under this section, any city organized**
8 **under sections 78.010 to 78.400 may, by order or ordinance, provide for the elimination of**
9 **the primary election and the conduct of elections for mayor and councilman as provided**
10 **in this subsection.**

11 **(2) Any person desiring to become a candidate for mayor or councilman shall file**
12 **with the city clerk a signed statement of such candidacy, stating whether such person is a**
13 **resident of the city and a qualified voter of the city, that the person desires to be a**
14 **candidate for nomination to the office of mayor or councilman to be voted upon at the next**
15 **municipal election for such office, that the person is eligible for such office, that the person**
16 **requests to be placed on the ballot, and that such person will serve if elected. Such**
17 **statement shall be sworn to or affirmed before the city clerk.**

18 **(3) Under the requirements of section 115.023, the city clerk shall notify the**
19 **requisite election authority who shall cause the official ballots to be printed, and the names**
20 **of the candidates shall appear on the ballots in the order that their statements of candidacy**
21 **were filed with the city clerk. Above the names of the candidates shall appear the words**
22 **"Vote for (number to be elected)". The ballot shall also include a warning that voting for**
23 **more than the total number of candidates to be elected to any office invalidates the ballot.**

115.003. The purpose of sections 115.001 to 115.[641] **801** [and sections 51.450 and
2 51.460] is to simplify, clarify and harmonize the laws governing elections. It shall be construed
3 and applied so as to accomplish its purpose.

115.005. Notwithstanding any other provision of law to the contrary, sections 115.001
2 to 115.[641] **801** shall apply to all public elections in the state, except elections for which
3 ownership of real property is required by law for voting.

115.007. No part of sections 115.001 to 115.[641] **801** [and sections 51.450 and 51.460]
2 shall be construed as impliedly amended or repealed by subsequent legislation if such
3 construction can be reasonably avoided.

115.135. 1. Any person who is qualified to vote, or who shall become qualified to vote on or before the day of election, shall be entitled to register in the jurisdiction within which he or she resides. In order to vote in any election for which registration is required, a person must be registered to vote in the jurisdiction of his or her residence no later than 5:00 p.m., or the normal closing time of any public building where the registration is being held if such time is later than 5:00 p.m., on the fourth Wednesday prior to the election, unless the voter is an interstate former resident, an intrastate new resident or a new resident, as defined in section 115.275. In no case shall registration for an election extend beyond 10:00 p.m. on the fourth Wednesday prior to the election. Any person registering after such date shall be eligible to vote in subsequent elections.

2. A person applying to register with an election authority or a deputy registration official shall identify himself or herself by presenting a copy of a birth certificate, a Native American tribal document, other proof of United States citizenship, a valid Missouri drivers license or other form of personal identification at the time of registration. **Any documentation presented under this subsection must contain the applicant's legal name as it appears on a birth certificate or as legally changed through marriage or court order. No name change by common usage based on common law shall be permitted.**

3. Except as provided in federal law or federal elections and in section 115.277, no person shall be entitled to vote if the person has not registered to vote in the jurisdiction of his or her residence prior to the deadline to register to vote.

115.249. No voting machine shall be used unless it:

- (1) Permits voting in absolute secrecy;
- (2) Permits each voter to vote for as many candidates for each office as he is lawfully entitled to vote for, and no other;
- (3) Permits each voter to vote for or against as many questions as he is lawfully entitled to vote on, and no more;
- (4) Provides facilities for each voter to cast as many write-in votes for each office as he is lawfully entitled to cast;
- (5) Permits each voter in a primary election to vote for the candidates of only one party announced by the voter in advance;
- [(6) Permits each voter at a presidential election to vote by use of a single lever for the candidates of one party or group of petitioners for president, vice president and their presidential electors;
- (7)] (6) Correctly registers or records and accurately counts all votes cast for each candidate and for and against each question;

16 [(8)] (7) Is provided with a lock or locks which prevent any movement of the voting or
17 registering mechanism and any tampering with the mechanism;

18 [(9)] (8) Is provided with a protective counter or other device whereby any operation of
19 the machine before or after an election will be detected;

20 [(10)] (9) Is provided with a counter which shows at all times during the election how
21 many people have voted on the machine;

22 [(11)] (10) Is provided with a proper light which enables each voter, while voting, to
23 clearly see the ballot labels[;

24 (12) Is provided with a mechanical model, illustrating the manner of voting on the
25 machine, suitable for the instruction of voters].

115.259. At each polling place using voting machines, the exterior of the voting
2 machines shall be in plain view of the election judges. [Each voting machine shall be so placed
3 that, unless its construction requires otherwise, the ballot labels can be plainly seen by the
4 election judges when not in use by voters.] The election judges shall not be nor permit any other
5 person to be in any position, or near any position, that enables them to see how any voter votes
6 or has voted. The election judges may inspect any machine as necessary to make sure the ballot
7 label is in its proper place and that the machine has not been damaged.

115.281. 1. Except as provided in subsection 3 of this section, not later than the sixth
2 Tuesday prior to each election, or within fourteen days after candidates' names or questions are
3 certified pursuant to section 115.125, the election authority shall cause to have printed and made
4 available a sufficient quantity of absentee ballots, ballot envelopes and mailing envelopes. As
5 soon as possible after the proper officer calls a special state or county election, the election
6 authority shall cause to have printed and made available a sufficient quantity of absentee ballots,
7 ballot envelopes and mailing envelopes.

8 2. All absentee ballots for an election shall be in the same form as the official ballots for
9 the election[, except that in lieu of the words "Official Ballot" at the top of the ballot, the words
10 "Official Absentee Ballot" shall appear].

11 3. Not later than forty-five days before each general, primary, and special election for
12 federal office, the election authority shall cause to have printed and made available a sufficient
13 quantity of absentee ballots, ballot envelopes, and mailing envelopes for absent uniformed
14 services voters and overseas voters and shall begin transmitting such ballots to absent uniformed
15 services and overseas voters who have submitted an absentee ballot application.

115.299. 1. To count absentee votes on election day, the election authority shall appoint
2 a sufficient number of teams of election judges **comprised of an equal number of judges** [.
3 Each team shall consist of four judges, two] from each major political party.

4 2. The teams so appointed shall meet on election day after the time fixed by law for the
5 opening of the polls at a central location designated by the election authority. The election
6 authority shall deliver the absentee ballots to the teams, and shall maintain a record of the
7 delivery. The record shall include the number of ballots delivered to each team and shall include
8 a signed receipt from two judges, one from each major political party. The election authority
9 shall provide each team with a ballot box, tally sheets and statements of returns as are provided
10 to a polling place.

11 3. Each team shall count votes on all absentee ballots designated by the election
12 authority.

13 4. One member of each team, closely observed by another member of the team from a
14 different political party, shall open each envelope and call the voter's name in a clear voice.
15 Without unfolding the ballot, two team members, one from each major political party, shall
16 initial the ballot, and an election judge shall place the ballot, still folded, in a ballot box. No
17 ballot box shall be opened until all of the ballots a team is counting have been placed in the box.
18 The votes shall be tallied and the returns made as provided in sections 115.447 to 115.525 for
19 paper ballots. After the votes on all ballots assigned to a team have been counted, the ballots and
20 ballot envelopes shall be placed on a string and enclosed in sealed containers marked "voted
21 absentee ballots and ballot envelopes from the election held, 20....". All rejected
22 absentee ballots and envelopes shall be enclosed and sealed in a separate container marked
23 "rejected absentee ballots and envelopes from the election held, 20....". On the
24 outside of each voted ballot and rejected ballot container, each member of the team shall write
25 his name, and all such containers shall be returned to the election authority. Upon receipt of the
26 returns and ballots, the election authority shall tabulate the absentee vote along with the votes
27 certified from each polling place in its jurisdiction.

115.300. In each jurisdiction, the election authority may start, not earlier than the fifth
2 day prior to the election, the preparation of absentee ballots for tabulation on the election day.
3 The election authority shall give notice to the county chairman of each major political party
4 forty-eight hours prior to beginning preparation of absentee ballot envelopes. Absentee ballot
5 preparation shall be completed by teams of election authority employees or teams of election
6 judges, with each team consisting of one member from each major political party. [Absentee
7 ballots shall not be counted by the same persons as those who removed such ballots from their
8 envelopes.]

115.383. Any election authority duly notified that a name is to be removed from the
2 ballot or that a new candidate has been selected shall have the proper corrections made on the
3 ballot before the ballot is delivered to or while it is in the hands of the printer. [If time does not
4 permit correction of the printed ballot, the election authority shall have prepared small pasters,

5 suitable for covering the name to be removed on the ballots, ballot labels or on the protective
6 covering of each voting machine. If a candidate is replaced by a candidate pursuant to the
7 provisions of sections 115.361 to 115.377, the paster shall contain the name to be substituted in
8 letters of the same size and type as all other names on the ballot. The appropriate election
9 authorities shall see that such pasters are properly applied to the ballots, ballot labels or voting
10 machines before they are used for voting.]

115.419. Before the time fixed by law for the opening of the polls, the election authority
2 shall deliver to each polling place a sufficient number of sample ballots[, and ballot cards [or
3 ballot labels] which shall be a different color but otherwise exact copies of the official ballot.
4 The samples shall be printed in the form of a diagram, showing the form of the ballot or the front
5 of the marking device or voting machine as it will appear on election day. The secretary of state
6 may develop multilingual sample ballots to be made available to election authorities.

115.423. [After the time fixed by law for the opening of the polls but] **Not more than**
2 **one hour** before the voting begins, the election judges shall open the ballot box and show to all
3 present that it is empty. The ballot box shall then be locked and the key kept by one of the
4 election judges. The ballot box shall not be opened or removed from public view from the time
5 it is shown to be empty until the polls close or until the ballot box is delivered for counting
6 pursuant to section 115.451. If voting machines are used, the election judges shall call attention
7 to the counter on the face of each voting machine and show to all present that it is set at zero.

115.433. After the voter's identification certificate has been initialed, two judges of
2 different political parties, or one judge from a major political party and one judge with no
3 political affiliation, shall, where paper ballots [or ballot cards] are used, initial the voter's ballot
4 or ballot card.

115.436. 1. In jurisdictions using paper ballots and electronic voting systems, when any
2 physically disabled voter within two hundred feet of a polling place is unable to enter the polling
3 place, two election judges, one of each major political party, shall take a ballot, equipment and
4 materials necessary for voting to the voter. The voter shall mark the ballot, and the election
5 judges shall place the ballot in an envelope[, seal it] and place it in the ballot box.

6 2. In jurisdictions using voting machines, when any physically disabled voter within two
7 hundred feet of a polling place is unable to enter the polling place, two election judges, one of
8 each major political party, shall take an absentee ballot to the voter. The voter shall mark the
9 ballot, and the election judges shall place the ballot in an envelope[, seal it] and place it in the
10 ballot box.

11 3. Upon request to the election authority, the election authority in any jurisdiction shall
12 designate a polling place accessible to any physically disabled voter other than the polling place
13 to which that voter would normally be assigned to vote, provided that the candidates and issues

14 voted on are consistent for both the designated location and the voting location for the voter's
15 precinct. Upon request, the election authority may also assign members of the physically
16 disabled voter's household and such voter's caregiver to the same voting location as the
17 physically disabled voter. In no event shall a voter be assigned under this section to a designated
18 location apart from the established voting location for the voter's precinct if the voter objects to
19 the assignment to another location.

115.439. 1. If paper ballots [or ballot cards] are used, the voter shall, immediately upon
2 receiving his ballot, go alone to a voting booth and vote his ballot in the following manner:

3 (1) When a voter desires to vote for a candidate, the voter shall place a [cross (X)]
4 **distinguishing** mark [in the square directly to the left of] **immediately beside** the name of the
5 candidate for which the voter intends to vote;

6 (2) [If the voter desires to vote for a person whose name does not appear on the ballot,
7 the voter may cross out a name which appears on the ballot for the office and write the name of
8 the person for whom he wishes to vote above or below the crossed-out name and place a cross
9 (X) mark in the square directly to the left of the crossed-out name.] If a write-in line appears on
10 the ballot, the voter may write the name of the person for whom he or she wishes to vote on the
11 line and place a [cross (X)] **distinguishing** mark [in the square directly to the left of]
12 **immediately beside** the name;

13 (3) If the ballot is one which contains no candidates, the voter shall place a [cross (X)]
14 **distinguishing** mark [in the square] directly to the left of each "yes" or "no" he desires to vote.
15

16 No voter shall vote for the same person more than once for the same office at the same election.

17 [2. For purposes of this section, a punch or sensor mark or any other mark clearly
18 indicating that the voter intends to mark that particular square shall be equivalent to a cross (X)
19 mark.

20 3. If voting machines are used, the voter shall, immediately upon direction by the judges,
21 go alone to a voting machine, close the curtain and vote in substantially the same manner
22 provided in subsection 1 of this section. Rather than placing cross (X) marks on the ballot,
23 however, the voter shall cause the designations to appear on the face of the voting machine, cast
24 any write-in votes and register his votes as directed in the instructions for use of the machine.

25 4.] 2. If the voter accidentally spoils his ballot or ballot card or makes an error, he may
26 return it to an election judge and receive another. The election judge shall mark "SPOILED"
27 across the ballot or ballot card and place it in an envelope marked "SPOILED BALLOTS". After
28 another ballot has been prepared in the manner provided in section 115.433, the ballot shall be
29 given to the voter for voting.

30 [5. The election authority may authorize the use of a sticker or other item containing a
31 write-in candidate's name, in lieu of a handwritten name. All such stickers and items used by
32 election authorities shall conform to rules and regulations promulgated by the secretary of state
33 regarding the form of such stickers and items. The secretary of state shall promulgate rules and
34 regulations to prescribe uniform specifications for the form of such stickers and items. If
35 authorized, such sticker or item shall contain a cross (X) mark, or other mark as described in
36 subsection 2 of this section, in the square directly left of the candidate's name and the office for
37 which the candidate is a write-in candidate. A write-in vote that does not meet the requirements
38 of this subsection which appears on a ballot shall not be counted pursuant to sections 115.447
39 to 115.525. In those jurisdictions using an electronic voting system which utilizes mark sense
40 or optical scan technology and if the election authority authorizes the use of stickers for
41 write-ins, such system shall be programmed to identify and separate those ballots which contain
42 an office in which write-in candidates are eligible to receive votes, and which contain less votes
43 than a voter is entitled to cast. In addition, such sticker shall be considered "printed matter" as
44 defined in subsection 8 of section 130.031, and as such shall contain the designation required by
45 subsection 8 of section 130.031.

46 6.] 3. Any rule or portion of a rule, as that term is defined in section 536.010, that is
47 created under the authority delegated in this section shall become effective only if it complies
48 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
49 This section and chapter 536 are nonseverable and if any of the powers vested with the general
50 assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and
51 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
52 any rule proposed or adopted after August 28, 2002, shall be invalid and void.

115.449. 1. As soon as the polls close in each polling place using paper ballots, the
2 election judges shall begin to count the votes. If earlier counting is begun pursuant to section
3 115.451, the election judges shall complete the count in the manner provided by this section.
4 Once begun, no count shall be adjourned or postponed until all proper votes have been counted.

5 2. One counting judge, closely observed by the other counting judge, shall take the
6 ballots out of the ballot box one at a time and, holding each ballot in such a way that the other
7 counting judge may read it, shall read the name of each candidate properly voted for and the
8 office sought by each. As each vote is called out, the recording judges shall each record the vote
9 on a tally sheet. The votes for and against all questions shall likewise be read and recorded. If
10 more than one political subdivision or special district is holding an election on the same day at
11 the same polling place and using separate ballots, the counting judges may separate the ballots
12 of each political subdivision and special district and first read one set, then the next and so on
13 until all proper votes have been counted.

14 [3. After all of the proper votes on a ballot have been counted, the ballot shall be strung
15 on a wire or string in the order read. After all the ballots have been read and strung and after the
16 recording judges agree on the count, the wire or string shall be tied in a firm knot, and the knot
17 shall be sealed so that it cannot be untied without breaking the seal. Rejected and spoiled ballots
18 shall not be strung but shall be placed in separate containers marked "REJECTED" and
19 "SPOILED".

20 4.] 3. After the recording of all proper votes, the recording judges shall compare their
21 tallies. When the recording judges agree on the count, they shall sign both of the tally sheets, and
22 one of the recording judges shall announce in a loud voice the total number of votes for each
23 candidate and for and against each question.

24 [5.] 4. After the announcement of the vote, the election judges shall record the vote totals
25 in the appropriate places on each statement of returns. If any tally sheet or statement of returns
26 contains no heading for any question, the election judges shall write the necessary headings on
27 the tally sheet or statement of returns.

115.455. Election judges shall count votes on each question in the following manner:

2 (1) If a [cross (X)] **distinguishing** mark appears [in the square] immediately beside or
3 below the "YES", the question shall be counted as voted for. If a [cross (X)] **distinguishing**
4 mark appears [in the square] immediately beside or below the "NO", the question shall be
5 counted as voted against;

6 (2) If a [cross (X)] **distinguishing** mark appears [in the square] immediately beside or
7 below the "YES" and [in the square] immediately beside or below the "NO", the question shall
8 neither be counted as voted for nor as voted against.

115.456. 1. [The election authority shall be responsible for ensuring that the standards
2 provided for in this subsection are followed when counting ballots cast using punch card voting
3 systems.

4 (1) Prior to tabulating ballots, all ballot cards shall be inspected by the election authority
5 for hanging chad and damaged ballots. Inspection of ballot cards shall be conducted using the
6 following guidelines:

7 (a) The election authority shall appoint a bipartisan team to inspect all ballots where a
8 question exists about the condition of a ballot or existence of a hanging chad;

9 (b) All ballot card inspections conducted under this section shall be conducted by
10 examining the ballot card from the back of the card;

11 (c) If a ballot is determined to be damaged, the bipartisan team shall spoil the original
12 ballot and duplicate the voter's intent on the new ballot, provided that there is an undisputed
13 method of matching the duplicate card with its original after it has been placed with the
14 remainder of the ballot cards from the precinct; and

15 (d) If a chad is determined to be hanging by two or less corners, it shall be removed prior
16 to being tabulated.

17 (2) In jurisdictions using punch card systems, a valid vote for a write-in candidate shall
18 include the following:

19 (a) A distinguishing mark in the square immediately preceding the name of the
20 candidate;

21 (b) The name of the candidate. If the name of the candidate as written by the voter is
22 substantially as declared by the candidate it shall be counted, or in those circumstances where
23 the names of candidates are similar, the names of candidates as shown on voter registration
24 records shall be counted; and

25 (c) The name of the office for which the candidate is to be elected.

26 (3) Whenever a hand recount of votes is ordered of punch card ballots, the provisions
27 of this subsection shall be used to determine voter intent.

28 2.] The election authority shall be responsible for ensuring that the standards provided
29 for in this subsection are followed when counting ballots cast using optical scan voting systems.

30 (1) Prior to tabulating ballots, all machines shall be programmed to reject blank ballots
31 where no votes are recorded or where an overvote is registered in any race.

32 (2) In jurisdictions using precinct-based tabulators, the voter who cast the ballot shall
33 review the ballot if rejected, if the voter wishes to make any changes to the ballot, or if the voter
34 would like to spoil the ballot and receive another ballot.

35 (3) In jurisdictions using centrally based tabulators, if a ballot is so rejected it shall be
36 reviewed by a bipartisan team using the following criteria:

37 (a) If a ballot is determined to be damaged, the bipartisan team shall spoil the original
38 ballot and duplicate the voter's intent on the new ballot, provided that there is an undisputed
39 method of matching the duplicate card with its original after it has been placed with the
40 remainder of the ballot cards from such precinct; and

41 (b) Voter intent shall be determined using the following criteria:

42 a. There is a distinguishing mark in the printed oval or divided arrow adjacent to the
43 name of the candidate or issue preference;

44 b. There is a distinguishing mark adjacent to the name of the candidate or issue
45 preference; or

46 c. The name of the candidate or issue preference is circled.

47 (4) In jurisdictions using optical scan systems, a valid vote for a write-in candidate shall
48 include the following:

49 (a) A distinguishing mark in the designated location preceding the name of the candidate;

50 (b) The name of the candidate. If the name of the candidate as written by the voter is
51 substantially as declared by the candidate it shall be counted, or in those circumstances where
52 the names of candidates are similar, the names of candidates as shown on voter registration
53 records shall be counted; and

54 (c) The name of the office for which the candidate is to be elected.

55 (5) Whenever a hand recount of votes of optical scan ballots is ordered, the provisions
56 of this subsection shall be used to determine voter intent.

57 [3.] 2. The election authority shall be responsible for ensuring that the standards provided
58 for in this subsection are followed when counting ballots cast using paper ballots.

59 (1) Voter intent shall be determined using the following criteria:

60 (a) There is a distinguishing mark in the square adjacent to the name of the candidate or
61 issue preference;

62 (b) There is a distinguishing mark adjacent to the name of the candidate or issue
63 preference; or

64 (c) The name of the candidate or issue preference is circled.

65 (2) In jurisdictions using paper ballots, a valid vote for a write-in candidate shall include
66 the following:

67 (a) A distinguishing mark in the square immediately preceding the name of the
68 candidate;

69 (b) The name of the candidate. If the name of the candidate as written by the voter is
70 substantially as declared by the candidate it shall be counted, or in those circumstances where
71 the names of candidates are similar, the names of candidates as shown on voter registration
72 records shall be counted; and

73 (c) The name of the office for which the candidate is to be elected.

74 (3) Whenever a hand recount of votes of paper ballots is ordered, the provisions of this
75 subsection shall be used to determine voter intent.

76 [4. When write-in stickers are used, the sticker shall contain the name of a candidate, the
77 office sought, and a distinguishing mark in the square immediately preceding the name of the
78 candidate and shall be approximately one inch by three inches in size with black print on a white
79 background. The sticker shall be placed by the voter on the write-in line designating the office
80 sought or the sticker shall be placed by the voter on the write-in line on the secrecy envelope.

81 5.] 3. Notwithstanding any other provision of law, a distinguishing mark indicating a
82 general preference for or against the candidates of one political party shall not be considered a
83 vote for or against any specific candidate.

115.601. 1. Any contestant in a primary or other election contest who was defeated by
2 less than one percent of the votes cast for the office and any contestant who received the second

3 highest number of votes cast for that office if two or more are to be elected and who was
4 defeated by less than one percent of the votes cast, or any person whose position on a question
5 was defeated by less than one percent of the votes cast on the question, shall have the right to a
6 recount of the votes cast for the office or on the question.

7 2. In cases where the candidate filed or the ballot question was originally filed with an
8 election authority as defined in section 115.015, such recount shall be requested in accordance
9 with the provisions of section 115.531 or 115.577 and conducted under the direction of the court
10 or the commissioner representing the court trying the contest according to the provisions of this
11 subchapter.

12 3. In cases where the candidate filed or the ballot question was originally filed with the
13 secretary of state, the defeated candidate or the person whose position on a question was defeated
14 by less than **one-half of** one percent of the votes cast on the question shall be allowed a recount
15 pursuant to this section by filing with the secretary of state a request for a recount stating that the
16 person or the person's position on a question was defeated by less than **one-half of** one percent
17 of the votes cast. Such request shall be filed not later than seven days after certification of the
18 election. The secretary of state shall notify all concerned parties of the filing of the request for
19 a recount. The secretary of state shall authorize the election authorities to conduct a recount
20 pursuant to this section if the requesting party or his position on a question was defeated by less
21 than **one-half of** one percent of the votes cast. The secretary of state shall conduct and certify
22 the results of the recount as the official results in the election within twenty days of receipt of the
23 aforementioned notice of recount.

24 4. Whenever a recount is requested pursuant to subsection 3 of this section, the secretary
25 of state shall determine the number of persons necessary to assist with the recount and shall
26 appoint such persons equally from lists submitted by the contestant and the opponent who
27 received more votes or a person whose position on a question received more votes than the
28 contestant's position on that question. Each person appointed pursuant to this section shall be
29 a disinterested person and a registered voter of the area in which the contested election was held.
30 Each person so appointed shall take the oath prescribed for and receive the same pay as an
31 election judge in the jurisdiction where the person is registered. After being sworn not to
32 disclose any facts uncovered by the recount, except those which are contained in the report, the
33 contestant and the opponent who received more votes or a person whose position on a question
34 received more votes than the contestant's position on that question shall be permitted to be
35 present in person or represented by an attorney at the recount and to observe the recount. Each
36 recount shall be completed under the supervision of the secretary of state with the assistance of
37 the election authorities involved, and the persons appointed to assist with the recount shall
38 perform such duties as the secretary of state directs. Upon completion of any duties prescribed

39 by the secretary of state the persons appointed to assist with the recount shall make a written and
40 signed report of their findings. The findings of the persons appointed to assist with the recount
41 shall be prima facie evidence of the facts stated therein, but any person present at the
42 examination of the votes may be a witness to contradict the findings. No one other than the
43 secretary of state, the election authorities involved, the contestant and the other witnesses
44 described in this subsection, their attorneys, and those specifically appointed by the secretary of
45 state to assist with the recount shall be present during any recount conducted pursuant to this
46 section.

47 5. For purposes of this section, "recount" means one additional counting of all votes
48 counted for the office or on the question with respect to which the recount is requested.

115.607. 1. No person shall be elected or shall serve as a member of a county committee
2 who is not, for one year next before the person's election, both a registered voter of and a resident
3 of the county and the committee district from which the person is elected if such district shall
4 have been so long established, and if not, then of the district or districts from which the same
5 shall have been taken. Except as provided in subsections 2, 3, 4, 5, and 6 of this section, the
6 membership of a county committee of each established political party shall consist of a man and
7 a woman elected from each township or ward in the county.

8 2. In each county of the first classification containing the major portion of a city which
9 has over three hundred thousand inhabitants, [two members of the committee, a man and a
10 woman, shall be elected from each ward in the city. Any township entirely contained in the city
11 shall have no additional representation on the county committee. The election authority for the
12 county shall, not later than six months after the decennial census has been reported to the
13 President of the United States, divide the most populous township outside the city into eight
14 subdistricts of contiguous and compact territory and as nearly equal in population as practicable.
15 The subdistricts shall be numbered from one upward consecutively, which numbers shall, insofar
16 as practicable, be retained upon reapportionment. Two members of the county committee, a man
17 and a woman, shall be elected from each such subdistrict. Six members of the committee, three
18 men and three women, shall be elected from the second and third most populous townships
19 outside the city. Four members of the committee, two men and two women, shall be elected
20 from the other townships outside the city] **members of the committee shall be elected from the**
21 **districts of each state representative that are in any way contained in the county in the**
22 **following manner: within six months after each legislative reapportionment, each portion**
23 **of a legislative district contained in the county shall constitute a single committee district.**
24 **Two men and two women shall be elected from each committee district formed from a**
25 **legislative district that is wholly contained in the county as members of the committee, two**
26 **men and two women shall be elected from each committee district formed from a legislative**

27 **district that is predominantly contained in the county as members of the committee, and**
28 **one man and one woman shall be elected from each committee district formed from a**
29 **legislative district that is partially but not predominantly contained in the county as**
30 **members of the committee.**

31 3. [In any city which has over three hundred thousand inhabitants, the major portion of
32 which is located in a county with a charter form of government, for the portion of the city located
33 within such county and notwithstanding section 82.110, it shall be the duty of the election
34 authority, not later than six months after the decennial census has been reported to the President
35 of the United States, to divide such cities into not less than twenty-four nor more than twenty-
36 five wards after each decennial census. Wards shall be so divided that the number of inhabitants
37 in any ward shall not exceed any other ward of the city and within the same county, by more than
38 five percent, measured by the number of the inhabitants determined at the preceding decennial
39 census.

40 4.] In each county of the first classification containing a portion, but not the major
41 portion, of a city which has over three hundred thousand inhabitants, ten members of the
42 committee, five men and five women, shall be elected from the district of each state
43 representative wholly contained in the county in the following manner: within six months after
44 each legislative reapportionment, the election authority shall divide each legislative district
45 wholly contained in the county into five committee districts of contiguous territory as compact
46 and as nearly equal in population as may be; two members of the committee, a man and a
47 woman, shall be elected from each committee district. The election authority shall divide the
48 area of the county located within legislative districts not wholly contained in the county into
49 similar committee districts; two members of the committee, a man and a woman, shall be elected
50 from each committee district.

51 [5.] 4. In each city not situated in a county, two members of the committee, a man and
52 a woman, shall be elected from each ward.

53 [6.] 5. In all counties with a charter form of government and a population of over nine
54 hundred thousand inhabitants, the county committee persons shall be elected from each
55 township. Within ninety days after August 28, 2002, and within six months after each decennial
56 census has been reported to the President of the United States, the election authority shall divide
57 the county into twenty-eight compact and contiguous townships containing populations as nearly
58 equal in population to each other as is practical.

59 [7.] 6. If any election authority has failed to adopt a reapportionment plan by the
60 deadline set forth in this section, the county commission, sitting as a reapportionment
61 commission, shall within sixty days after the deadline, adopt a reapportionment plan. Changes

62 of township, ward, or precinct lines shall not affect the terms of office of incumbent party
63 committee members elected from districts as constituted at the time of their election.

162.481. 1. Except as otherwise provided in this section, all elections of school directors
2 in urban districts shall be held biennially at the same times and places as municipal elections.

3 2. In any urban district which includes all or the major part of a city which first obtained
4 a population of more than seventy-five thousand inhabitants by reason of the 1960 federal
5 decennial census, elections of directors shall be held on municipal election days of
6 even-numbered years. The directors of the prior district shall continue as directors of the urban
7 district until their successors are elected as herein provided. On the first Tuesday in April, 1964,
8 four directors shall be elected, two for terms of two years to succeed the two directors of the prior
9 district who were elected in 1960 and two for terms of six years to succeed the two directors of
10 the prior district who were elected in 1961. The successors of these directors shall be elected for
11 terms of six years. On the first Tuesday in April, 1968, two directors shall be elected for terms
12 to commence on November 5, 1968, and to terminate on the first Tuesday in April, 1974, when
13 their successors shall be elected for terms of six years. No director shall serve more than two
14 consecutive six-year terms after October 13, 1963.

15 3. Except as otherwise provided in subsection 4 of this section, hereafter when a
16 seven-director district becomes an urban district, the directors of the prior seven-director district
17 shall continue as directors of the urban district until the expiration of the terms for which they
18 were elected and until their successors are elected as provided in this subsection.
19 The first biennial school election for directors shall be held in the urban district at the time
20 provided in subsection 1 which is on the date of or subsequent to the expiration of the terms of
21 the directors of the prior district which are first to expire, and directors shall be elected to
22 succeed the directors of the prior district whose terms have expired. If the terms of two directors
23 only have expired, the directors elected at the first biennial school election in the urban district
24 shall be elected for terms of six years. If the terms of four directors have expired, two directors
25 shall be elected for terms of six years and two shall be elected for terms of four years. At the
26 next succeeding biennial election held in the urban district, successors for the remaining directors
27 of the prior seven-director district shall be elected. If only two directors are to be elected they
28 shall be elected for terms of six years each. If four directors are to be elected, two shall be
29 elected for terms of six years and two shall be elected for terms of two years. After seven
30 directors of the urban district have been elected under this subsection, their successors shall be
31 elected for terms of six years.

32 4. In any school district in any city with a population of one hundred thousand or more
33 inhabitants which is located within a county of the first classification that adjoins no other county
34 of the first classification, or any school district which becomes an urban school district by reason

35 of the 2000 federal decennial census, elections shall be held annually at the same times and
36 places as general municipal elections for all years where one or more terms expire, and the terms
37 shall be for three years and until their successors are duly elected and qualified for all directors
38 elected on and after August 28, 1998.

39 **5. Beginning in 2014, elections for the board of directors of an urban district**
40 **containing the greater part of a home rule city of at least four hundred thousand**
41 **inhabitants and located in more than one county shall be held biennially on the primary**
42 **election day in even-numbered years, and members of the board shall take office on August**
43 **twenty-eighth, notwithstanding the provisions of chapter 115.**

162.492. 1. **Except as otherwise provided in this section,** in all urban districts
2 containing the greater part of the population of a city which has more than [three hundred
3 thousand inhabitants] **four hundred thousand inhabitants and is located in more than one**
4 **county,** the terms of the members of the board of directors in office [in 1967] shall continue until
5 the end of the respective terms to which each of them has been elected to office and in each case
6 [thereafter] until the next school election be held and until their successors, then elected, are duly
7 qualified as provided in this section.

8 2. In each urban district designated in subsection 1, the election authority of the city in
9 which the greater portion of the school district lies, and of the county if the district includes
10 territory not within the city limits, shall serve ex officio as a redistricting commission. The
11 commission shall on or before November 1, 1969, divide the school district into six subdistricts,
12 all subdistricts being of compact and contiguous territory and as nearly equal in the number of
13 inhabitants as practicable and thereafter the board shall redistrict the district into subdivisions
14 as soon as practicable after each United States decennial census. In establishing the subdistricts
15 each member shall have one vote and a majority vote of the total membership of the commission
16 is required to make effective any action of the commission.

17 3. School elections for the election of directors **under subsection 1 of this section** shall
18 be held on [municipal] **the primary** election days [in each even-numbered year] , **beginning in**
19 **2014.** [At the election in 1970, one member of the board of directors shall be elected by the
20 voters of each subdistrict. The seven candidates, one from each of the subdistricts, who receive
21 a plurality of the votes cast by the voters of that subdistrict shall be elected and the at-large
22 candidate receiving a plurality of the at-large votes shall be elected.] **Beginning with the**
23 **election of 2014, there shall be seven members of the board; six shall reside in and be**
24 **designated for election according to subdistricts as provided in subsection 2 of this section**
25 **but shall be elected by the voters of the entire district; one shall reside anywhere in the**
26 **district and shall be elected by the entire district.** In addition to other qualifications
27 prescribed by law, each member [elected from a subdistrict must] **who runs for a subdistrict**

28 **position shall** be a resident of the subdistrict [from which he is elected] **for which he or she has**
29 **declared candidacy.** The subdistricts shall be numbered from one to six [and the directors
30 elected from subdistricts one, three and five shall hold office for terms of two years and until
31 their successors are elected and qualified, and the directors elected from subdistricts two, four
32 and six shall hold office for terms of four years and until their successors are elected and
33 qualified]. Every two years thereafter a member of the board of directors shall be elected for a
34 term of four years and until his **or her** successor is elected and qualified from each of the three
35 subdistricts having a member on the board of directors whose term expires in that year. [Those
36 members of the board of directors who were in office in 1967 shall, when their terms of office
37 expire, be succeeded by the members of the board of directors elected from subdistricts. In
38 addition to the directors elected by the voters of each subdistrict, additional directors shall be
39 elected at large by the voters of the entire school district as follows: in 1970 one director at large
40 shall be elected for a two-year term. In 1972 one director at large shall be elected for a four-year
41 term. In 1974 two at-large directors shall be elected for a four-year term and thereafter in
42 alternative elections one director shall be elected for a four-year term and then two directors shall
43 be elected for a four-year term, so that from and after the 1970 election the board of directors not
44 including those members who were in office in 1967 shall consist of seven members until the
45 1974 election and thereafter the board shall consist of nine members.] In those years in which
46 one at-large director is to be elected each voter may vote for one candidate and the candidate
47 receiving a plurality of votes cast shall be elected. [In those years in which two at-large directors
48 are to be elected each voter may vote for two candidates and the two receiving the largest number
49 of votes cast shall be elected.]

50 4. [The six candidates, one from each of the subdistricts, who receive a plurality of the
51 votes cast by the voters of that subdistrict and the at-large candidates receiving a plurality of the
52 at-large votes shall be elected.] The name of no candidate for nomination shall be printed on the
53 ballot unless the candidate has at least sixty days prior to the election filed a declaration of
54 candidacy with the secretary of the board of directors containing the signatures of at least two
55 hundred fifty registered voters who are residents of the subdistrict within which the candidate
56 for nomination to a subdistrict office resides, and in case of at-large candidates the signatures of
57 at least five hundred registered voters. The election authority shall determine the validity of all
58 signatures on declarations of candidacy.

59 5. In any election [either for at-large candidates or candidates elected by the voters of
60 subdistricts], if there are more than two candidates, a majority of the votes [are] **is** not required
61 to elect, but the candidate having a plurality of the votes [if there is only one office to be filled
62 and the candidates having the highest number of votes, if more than one office is to be filled,]
63 shall be elected.

64 6. The names of all candidates shall appear upon the ballot without party designation and
65 in the order of the priority of the times of filing their petitions of nomination. No candidate may
66 file both at large and from a subdistrict [and] . The names of all candidates shall appear only
67 once on the ballot[, nor may any candidate file more than one declaration of candidacy]. All
68 declarations shall designate the candidate's residence and whether the candidate is filing at large
69 or from a subdistrict and the numerical designation of the subdistrict [or at-large area].

70 7. The provisions of all sections relating to seven-director school districts shall also
71 apply to and govern urban districts in cities of more than three hundred thousand inhabitants, to
72 the extent applicable and not in conflict with the provisions of those sections specifically relating
73 to such urban districts.

74 8. Vacancies which occur on the school board between the dates of election shall be
75 filled by [special election if such vacancy happens more than six months prior to the time of
76 holding a general municipal election, as provided in section 115.121. The state board of
77 education shall order a special election to fill such a vacancy. A letter from the commissioner
78 of education, delivered by certified mail to the election authority or authorities that would
79 normally conduct an election for school board members shall be the authority for the election
80 authority or authorities to proceed with election procedures. If a vacancy occurs less than six
81 months prior to the time of holding a general municipal election, no special election shall occur
82 and the vacancy shall be filled at the next general municipal election.] **the appointment of a**
83 **qualified person by the mayor of a home rule city of at least four hundred thousand**
84 **inhabitants and located in more than one county if the vacancy occurs more than one**
85 **hundred five days prior to the time of holding a primary election.**

247.060. 1. The management of the business and affairs of the district is hereby vested
2 in a board of directors, who shall have all the powers conferred upon the district except as herein
3 otherwise provided. It shall be composed of five members, each of whom shall be a voter of the
4 district and shall have resided in said district one whole year immediately prior to his **or her**
5 election[, or if not a voter or resident of said district, shall have received service from the district
6 at his or her primary place of residence one whole year immediately prior to his or her election].
7 A member shall be at least twenty-five years of age and shall not be delinquent in the payment
8 of taxes at the time of his election. Except as provided in subsection 2 of this section, the term
9 of office of a member of the board shall be three years. The remaining members of the board
10 shall appoint a qualified person to fill any vacancy on the board. If no qualified person who lives
11 in the subdistrict for which there is a vacancy is willing to serve on the board, the board may
12 appoint an otherwise qualified person who lives in the district but not in the subdistrict in which
13 the vacancy exists to fill such vacancy.

14 2. After notification by certified mail that he or she has two consecutive unexcused
15 absences, any member of the board failing to attend the meetings of the board for three
16 consecutive regular meetings, unless excused by the board for reasons satisfactory to the board,
17 shall be deemed to have vacated the seat, and the secretary of the board shall certify that fact to
18 the board. The vacancy shall be filled as other vacancies occurring in the board.

19 3. The initial members of the board shall be appointed by the circuit court and one shall
20 serve until the immediately following first Tuesday after the first Monday in April, two shall
21 serve until the first Tuesday after the first Monday in April on the second year following their
22 appointment and the remaining appointees shall serve until the first Tuesday after the first
23 Monday in April on the third year following their appointment. On the expiration of such terms
24 and on the expiration of any subsequent term, elections shall be held as otherwise provided by
25 law, and such elections shall be held in April pursuant to section 247.180.

26 4. In 2008, 2009, and 2010, directors elected in such years shall serve from the first
27 Tuesday after the first Monday in June until the first Tuesday in April of the third year following
28 the year of their election. All directors elected thereafter shall serve from the first Tuesday in
29 April until the first Tuesday in April of the third year following the year of their election.

30 5. Each member of the board may receive an attendance fee not to exceed one hundred
31 dollars for attending each regularly called board meeting, or special meeting, but shall not be
32 paid for attending more than two meetings in any calendar month, except that in a county of the
33 first classification, a member shall not be paid for attending more than four meetings in any
34 calendar month. However, no board member shall be paid more than one attendance fee if such
35 member attends more than one board meeting in a calendar week. In addition, the president of
36 the board of directors may receive fifty dollars for attending each regularly or specially called
37 board meeting, but shall not be paid the additional fee for attending more than two meetings in
38 any calendar month. Each member of the board shall be reimbursed for his or her actual
39 expenditures in the performance of his or her duties on behalf of the district.

40 6. In no event, however, shall a board member receive any attendance fees or additional
41 compensation authorized in subsection 5 of this section until after such board member has
42 completed a minimum of six hours training regarding the responsibilities of the board and its
43 members concerning the basics of water treatment and distribution, budgeting and rates, water
44 utility planning, the funding of capital improvements, the understanding of water utility financial
45 statements, the Missouri sunshine law, and this chapter.

46 7. The circuit court of the county having jurisdiction over the district shall have
47 jurisdiction over the members of the board of directors to suspend any member from exercising
48 his or her office, whensoever it appears that he or she has abused his or her trust or become
49 disqualified; to remove any member upon proof or conviction of gross misconduct or

50 disqualification for his or her office; or to restrain and prevent any alienation of property of the
51 district by members, in cases where it is threatened, or there is good reason to apprehend that it
52 is intended to be made in fraud of the rights and interests of the district.

53 8. The jurisdiction conferred by this section shall be exercised as in ordinary cases upon
54 petition, filed by or at the instance of any member of the board, or at the instance of any ten
55 voters residing in the district who join in the petition, verified by the affidavit of at least one of
56 them. The petition shall be heard in a summary manner after ten days' notice in writing to the
57 member or officer complained of. An appeal shall lie from the judgment of the circuit court as
58 in other causes, and shall be speedily determined; but an appeal does not operate under any
59 condition as a supersedeas of a judgment of suspension or removal from office.

247.080. 1. The exercise of the powers conferred upon the district by sections 247.010
2 to 247.220 shall be by its board of directors, acting as a board.

3 2. The board shall have power and it shall be its duty to employ necessary help and to
4 contract for such professional service as the demands of the district require in creating and
5 operating a waterworks system contemplated in this law, and shall pay out of the funds of the
6 district available for such purposes reasonable compensation for the service rendered. It shall
7 have made by a competent accountant an annual audit of the receipts and expenditures of the
8 district. All persons employed shall serve for an indefinite term and at the will of the board, and
9 party politics shall not enter into the selection of employees.

10 3. The board shall have regular monthly meetings and the president thereof may call
11 special meetings as occasion requires. It shall establish an office for its meeting place and for
12 the transaction of business.

13 4. All persons charged with handling of funds shall be required to give bond to be fixed
14 and approved by the board, but at the expense of the district.

15 5. All contracts made by the district shall conform to [law] **section 432.070** governing
16 contracts [of other municipal corporations]. It shall have power to authorize and enter into all
17 contracts in behalf of the district, and shall provide an official seal for district, and all official
18 documents shall be attested by the seal.

✓